

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: RAYSHELL D FITZGERALD, Debtor, GLOBAL LENDING SERVICES LLC, Movant, v. RAYSHELL D FITZGERALD, and SCOTT F WATERMAN, Trustee, Respondents.	Bankruptcy No. 23-10686-amc Chapter 13
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MOTION FOR LIMITED RELIEF FROM THE AUTOMATIC STAY AND
TO ALLOW APPLICATION OF TOTAL LOSS PROCEEDS

AND NOW, comes Movant, Global Lending Services, LLC (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Limited Relief from the Automatic Stay and to Allow Application of Total Loss Proceeds (the “Motion”), representing as follows:

THE PARTIES

1. Respondent, Rayshell D. Fitzgerald, (“Debtor”), is an adult individual with a residence located at 3215 Birch Road, Philadelphia, Pa 19154.
2. Scott F. Waterman is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about March 9, 2023, Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. On or about February 29, 2020, the Debtor entered into a Retail Installment Sales Contract (“Note”) with the Movant for the purchase of 2020 Mitsubishi Outlander, VIN: JA4AP3AU5LU014468 (the “Vehicle”) with the Movant, a true and correct copy of which is attached hereto as **Exhibit A**.

6. Movant has a secured interest in the 2020 Mitsubishi Outlander, VIN: JA4AP3AU5LU014468, as evidenced by the Certificate of Title attached hereto as **Exhibit B**.

7. The total balance due on the Note as of January 17, 2024, was \$15,757.84.

8. On or about January 9, 2024, the Vehicle was involved in an accident and deemed a total loss.

9. Movant has agreed to accept \$14,524.24 as a settlement to pay off the loan in full.

10. Movant is requesting limited relief from the automatic stay to allow the application of settlement funds with respect to the 2020 Mitsubishi Outlander, VIN: JA4AP3AU5LU014468.

WHEREFORE, Movant, Global Lending Services, LLC, respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d), granting Movant limited relief from the automatic stay to allow the application of settlement funds with respect to 2020 Mitsubishi Outlander, VIN: JA4AP3AU5LU014468.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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Dated: February 7, 2024